

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

Christine Margaret Thompke,	)	C.A. No. 3:07-1079-TLW-TER
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Richland County et al.,	)	
	)	
Defendants.	)	
_____	)	

On May 19, 2008, Defendant City of Columbia filed a motion to dismiss. The motion asks the Court to issue an order, “pursuant to Rules 16, 37, and 41 Fed.R.Civ.P., striking Plaintiff’s Complaint and dismissing this matter with prejudice.” On July 29, 2008, the United States Magistrate Judge filed his Report and Recommendation (the “Report”) in this case, recommending that Plaintiff’s case be dismissed pursuant to Rules 37 and 41. On August 11, 2008, Plaintiff moved for an extension of time to file objections to the Report. On August 26, 2008, Plaintiff filed her objections to the Report.

This Court is charged with reviewing the Magistrate’s report and the Plaintiff’s objections thereto. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not

objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

In light of this standard, the Court has carefully reviewed, de novo, the Report and the objections thereto and has concluded that the Report accurately summarizes this case and the applicable law. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 169); Plaintiff's objections are **OVERRULED** (Doc. # 191); and Plaintiff's complaint is dismissed.

**IT IS SO ORDERED.**

S/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

September 17, 2008  
Florence, South Carolina